

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**SCOTT E. SPATES,**

**Plaintiff,**

**v.**

**Case No. 14-CV-1311**

**CARMEN BAUER and R. GOLZ,**

**Defendants.**

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**DECISION AND ORDER**

Plaintiff has filed a request to pay the remainder of the filing fee from his release account. The Prison Litigation Reform Act requires the court to collect the filing fee from a “prisoner’s account.” 28 U.S.C. § 1915(b). The term “prisoner’s account” encompasses both a prisoner’s release account and general account. Spence v. McCaughtry, 46 F. Supp. 2d 861, 862 (E.D. Wis. 1999). However, “given the purpose of the release account to provide funds to the prisoner upon his or her release from incarceration, the court does not deem it prudent to routinely focus on the release account as the initial source of funds to satisfy the filing fee payment requirements of the PLRA.” Smith v. Huibregtse, 151 F. Supp. 2d 1040 (E.D. Wis. 2001). Nevertheless, upon request, the court will allow a plaintiff to pay a filing fee out of his release account. Doty v. Doyle, 182 F. Supp. 2d 750, 752 (E.D. Wis. 2002).

Plaintiff’s desire to have the remainder of the filing fee (\$329.51) deducted from his release account is clear and he has sufficient funds in his release account to do so. However, his request that \$20.49 be transferred from his release account to his regular account as reimbursement to his regular account for the \$20.49 initial partial filing fee

plaintiff already paid in this case will be denied because that issue is between him and the institution.

**NOW, THEREFORE, IT IS ORDERED** that plaintiff's motion to pay the remainder of the filing fee from release account (Docket # 14) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Warden at Oshkosh Correctional Institution shall withdraw \$329.51 from plaintiff's release account and forward that sum to the Clerk of this Court as payment of the remainder of filing fee in this action. Such payment is to be made by **January 16, 2015**.

**IT IS FURTHER ORDERED** that a copy of this order be sent to the Warden of Oshkosh Correctional Institution.

Dated at Milwaukee, Wisconsin, this 23rd day of December, 2014.

s/Lynn Adelman  
LYNN ADELMAN  
District Judge